Part I continued: To Whom are you giving this land?

The **Mishnah in Avodah Zarah (19b) prohibits selling a non-Jew land, or anything attached to the land, in Eretz Yisrael, and a later Mishnah (Ibid. 20b-21a) restricts even the rental of real estate and certain property in that land to non-Jews; the Rambam (Ibid. Halacha 3-4) and the Shulchan Aruch (Yoreh Deah 151:8,10) rule** accordingly. It would thus appear that it is certainly forbidden to willingly give land in Eretz Yisrael to a non-Jew.

It must be pointed out, though, that there are some who hold that this prohibition to grant encampment in Eretz Yisrael to a non-Jew refers only to an idolater, and not to any non-Jew. This appears to be the position of the Rambam in his Sefer HaMitzvos (Mitzvas Lo Ta'aseh 51) where he applies this prohibition, and one like it from earlier in the Torah (Shemos 23:33), specifically to people who worship Avodah Zarah. The Rashba, in a different context (Sheilos U'Teshuvos HaRashba Chelek 1 Siman 8), also states that the above cited Posuk which says "V'Lo Techanem" (Devarim Ibid.) does not refer to a non-Jew who does not worship Avodah Zarah; the Meiri, commenting on the aforementioned Gemara in Avodah Zarah (Beis HaBechirah on 20a Ibid. s.v. Kivar), clearly writes that the prohibition to sell land in Eretz Yisrael to a non-Jew does not refer to non-Jews who believe in G-d and are not idolaters. The Tur (Choshen Mishpat Siman 249) also seems to limit the prohibition to idolaters; the Bach (Ibid. s.v. Asur) apparently concurs, mentioning that Arabs (Yishmaelim) are excluded from this prohibition. Rav Avraham Yitzchak HaKohein Kook (Sheilos U'Teshuvos Mishpat Kohein Siman 63) accepts this position, as does Rav Tzvi Pesach Frank (Sheilos U'Teshuvos Har Tzvi, Inyanei Zeraim Chelek 2 Siman 44), among others.